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EXAMINER	
ONUAKU, CHRISTOPHER O	
ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/543,330	KOWALD, JULIE RAE	
	Examiner	Art Unit	
	Christopher Onuaku	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-20,22-25,27-53 and 55-71* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-7,9,12,13,16-20,22,23,27,30-37,39,42-53 and 55-71* is/are rejected.

7)☒ Claim(s) *3,4,8,10,14,15,24,25,28,29,38,40 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the Abstract exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Response to Arguments

3. Applicant's arguments with respect to claims 1-10,12-20,22-25,27-53&55-71 have been considered but are moot in view of the new ground(s) of rejection.

NOTE

4. With reference to line 4, page 23 (REMARKS section) of the 10/26/05 amendments, claim 22 is the independent claim NOT claim 2.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,2,5-7,9,12-13,16-18,22,23,27,30-33,39,42-44&71 rejected under 35 U.S.C. 102(e) as being anticipated by Ohmori et al (US 6,292,620.

Regarding claims 1,22&35, Ohmori et al disclose an edited-list creating apparatus, an editing apparatus and an editing method capable of creating a so-called edited list in which the edit content is defined for obtaining a desired edited image and sound, for example, by linking a plurality of pre-registered image and sound materials (clips) together in a desired state, comprising extracting duration data associated with the duration of each clip of the video sequence (col.9, line 49 to col.10, line 37); processing the duration data of the at least one clip according to at least one predetermined template of editing rules to form editing instruction data (see Fig.5; col.10, line 38 to col.11, line 31); the template indicating at least a plurality of predetermined edited segment durations, the editing instruction data being configured to form output edited segments from the at least one clip (see Fig.5; col.11, lines 27-31; and processing the at least one clip of the video sequence according to the editing instruction data to form an output edited sequence of the output edited segments, each

output edited segment being of one of the plurality of predetermined edited segment durations with at least one clip being discarded by the processing of the at least one clip (see at least col.14, lines 10-35), as shown in Fig. 5 is the claimed template or edit decision list, which is created by determining the beginning and end (in-point and out-poing)of each of the desired programs and displaying them.

Regarding claims 2,7&23, Ohmori et al disclose wherein the editing rules establish a cutting format that provides for formation of the output edited segments each being of one of a first duration and a second duration (see col.10, lines 24-37); and wherein an initial interval of a predetermined (third) duration is discarded from each of the clip prior to formation of the edited segments from a remainder of the clips (see col.14, lines 10-35).

Regarding claims 5,6,26&43, Ohmori et al disclose wherein the output edited sequence is formed from a time sequential combination of the out edited segments based upon a predetermined cutting pattern formed using segments of the first duration and the second duration (FIG.5); wherein the predetermined cutting pattern comprises alternate first duration segments and second duration segments (col.10, line 24 to col.11, line 26).

Regarding claim 9, Ohmori et al disclose an internal interval of a predetermined (fourth) duration is discarded from at least one clip from which at least two of the output edited segments are to be formed, the internal interval separating portions of a clip from

which the at least two output edited segments are formed (see col.14, lines 10-34; and Fig.5).

Regarding claims 12,13,27&39, IOhmori et al disclose that the formation of the output edited segments comprises cutting a portion from at least one clip and modifying a reproduction duration of the portion to correspond with one of the first duration and the second duration, wherein the cutting and the modifying are performed when the portion has a reproduction duration within a predetermined range of one of the first and second durations (col.16, line 42 to col.17, line 5; also col.5, lines 20-26 and col.7, lines 5-10).

Regarding claims 16,30&42, Ohmori et al disclose that the editing rules comprise an edited duration during which the output edited segments are to be reproduced and from which a number of the output edited segments is determined based on the first and second durations (col.10, line 24 to col.11, line 7).

Regarding claims 17&32, Ohmori et al disclose wherein each of the plurality of predetermined edited segment duration are determined using a beat period of a soundtrack to be associated with the output edited sequence (col.11, line 63 to col.12, line 5).

Regarding claim 18, IOhmori et al disclose wherein the duration data comprises data accompanying the video sequence (Fig.5 and col.10, lines 24-37).

Regarding claim 31, the limitations of claim 31 were discussed in the art rejection of claim 6.

Regarding claim 33, Ohmori et al disclose wherein the duration data comprises data selected from the group consisting of data accompanying the video sequence, and data formed by analyzing the video sequence, the analyzing comprising at least one of time analysis, image analysis, sound analysis and motion analysis (col.10, lines 24-60).

Regarding claim 44, the limitations of claim 44 were discussed in the art rejection of claim 31.

Regarding claim 71, Iggulden et al disclose that the one template is selected from a plurality of templates each comprising different combinations of editing rules (see Fig.5; col.11, line 27 to col.13, line 7; and col.5, lines 20-26 and col.7, lines 5-10).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al in view of Nakatani et al (US 5,784,521).

Regarding claim 19, Ohmori et al fail to disclose wherein the editing rules include incorporating at least one title matte as part of the output edited sequence.

Nakatani et al teach incorporating a title (Fig.6E-6F). Further, it is well known in the art to incorporate a title on a matte background.

It would have been highly desirable to insert a title in the video so that the video segments can be identified by the viewer. For example, if the edited segment is a movie, then the title of the movie can be inserted.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a title matte in the device of Ohmori et al

9. Claims 20,34,45-48,55-57&63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al in view of Nakatani et al and further in view of Yaegashi et al (US 5,956,453).

Regarding claims 20,34&45, Ohmori et al disclose wherein the title matte is formed and incorporated according to a sub-method comprising the steps of examining the time data associated with the duration data for each clip to identify those of the clips that are associable by a predetermined time function, the associable clips being arranged into corresponding groups of clips, and identifying at least a beginning and a conclusion (see Fig.5; col.11, line 26 to col.13, line 7). However, Ohmori et al fail to disclose identifying at least one title location, and incorporating the inserted title.

Yaegashi et al teach grouping associable clips (CUTS) into corresponding groups of clips (SCENE, Fig.6B); and identifying at least one of a beginning (605) and a conclusion (611) of each group as a title location.

Nakatani et al teach inserting the title into the sequence, as discussed previously. Since Yaegashi et al separates the video into separate scenes, using the text feature of Nakatani et al title data can be inserted by examining at least one of corresponding time data and further characteristic data to generate the insert title including at least a text component (e.g., "scene 1").

It would have been highly desirable to organize the clips as shown in Fig.6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips as described above, and insert titles in the device of Ohmori et al.

Regarding claims 46,55&63, Ohmori et al teach examining the time data for each clip to identify those of the clips that are associable by a predetermined time function, the associable clips being arranged into corresponding groups of clips (col.10, lines 34-60; and for each group of clips identifying at least one of a beginning and a conclusion of each said group as a tile location (Fig.5). However, Ohmori et al fail to disclose for at least one title location, examining at least one of corresponding time data and further

data to generate an insert title including at least a text component; and incorporating the insert title into the video sequence at a corresponding title location

Nakatani et al teach inserting the title into the sequence and Yaegashi et al teach grouping cuts into scenes, as discussed previously. Since Yaegashi et al separate the video into separate scenes, using the text feature of Nakatani et al, title data can be inserted corresponding to time data and further data (e.g., "scene 1").

It would have been highly desirable to organize the clips as shown in Fig.6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually. It would have been highly desirable to insert titles in the sequence corresponding to time data and further data so that scene numbers and cut numbers can be inserted into the video so that the editor easily recognizes scenes and cuts, thereby making editing easier.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips as described above, and insert titles in the device of Ohmori et al.

Regarding claims 47, 56 and 64, Yaegashi et al further teach wherein the predetermined time function comprises associating any two sequential clips within a group when a period between a real-time conclusion of one of the sequential clips and the real-time commencement of a following clip is less than a predetermined (first) duration (col.3, line 25 to col.4, line 2). Since Yaegashi et al teach an editing device that

allows the user to change cuts as desired (col.3, line 25 to col.4, line 2), the user can associate any two sequential clips within a group when the period between the real time conclusion of one said clip and the real time commencement of the following said clip is less than a predetermined first duration.

Regarding claims 48, 57 and 65, Ohmori et al fail to disclose wherein the further data comprises user provided data.

Yaegashi et al disclose an editing device that allows the user to change cuts as desired (col.3, line 25 to col.4, line 2). Therefore, the user can associate any two sequential clips within a group when the period between the real time conclusion of one said clip and the real time commencement of the following said clip is less than a predetermined first duration. Since the user can set cuts, the further data is considered to be provided by the user (Fig.5).

It would have been highly desirable to have user provided data so that the user can edit the cuts in the case that commercial segments have been missed or improperly identified.

Therefore, it would have been highly desirable to a person of ordinary skill in the art at the time of the invention to have a user provided data in the device of Ohmori et al.

10. Claims 36&37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmorin et al.

Regarding claim 36, Ohmori et al disclose wherein the supply means comprises a storage arrangement configured to couple the video sequence to the extracting means (see Fig.1,2&3, video tape recorders 14A to 14D of Fig.1, in-point specifying means 45 and out-point specifying means 46; col.10, lines 18-37); wherein the output means comprises at least one of a display device by which the output edited sequence is viewable and a further storage arrangement for storing the output edited sequence (see inmage display part 44; in-point image display part 47 and out-point display part 48 of clip edit window 40 of Fig.4.

Regarding claim 37, Ohmori et al further disclose wherein the duration data comprises metadata, the extracting means forming a metadata file of the video sequence based upon each clip, and the metadata file forming an input to the processing means (col.11, col.11, lines 27-31), and wherein at least the processing means comprises a computer device operable to interpret the metadata file according to the editing rules to form the editing instruction data ((see Fig.2 and CPU 20).

11. Claims 49,50,58,59,66&67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al in view of Nakatani et al, and Yaegashi et al and further in view of Yoshida (US 5,515,101).

Regarding claims 49, 50, 58, 59, 66 and 67, Ohmori et al, Nakatani et al, and Yaegashi et al fail to disclose the method wherein the further data comprises generated data formed by analyzing a corresponding clip and step (c) comprises

examining at least one of the time data and the further data to select from a rule-based group of alternatives at least one title component from a title database, the at least one title component collectively forming the insert title.

Yoshida teaches further data comprising generated data formed by analyzing the corresponding said clip and examining the data to select from a rule-based group of alternatives at least one title component from a title database, the title components collectively the inserted titles (col.7-9), wherein the title components are selected from the group consisting of individual words or phrases (col.7-9), the title components being configured for selecting in response to rule-based examination of the data.

It would have been highly desirable to select a title from a title database so that the titles do not have to be generated by the user; and commonly used titles are easily available.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to select titles consisting of individual words or phrases from a title database in the device of Ohmori et al so that the titles do not have to be generated by the user; and commonly used titles are easily available.

12. Claims 51-53, 60-62 & 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al in view of Nakatani et al, Yaegashi et al and Yoshida and further in view of Miyazaki et al (US 6,546,187).

Regarding claims 51-53, 60-62 & 68-70, Ohmori et al, Nakatani et , Yaegashi et al and Yoshida fail to disclose wherein the title database comprises a plurality of typeset

configurations applicable to the at least one title component to modify a visual impact of the insert title and a graphical database of graphical objects configured for inclusion in the insert title; and a matte background permitting superimposition of the insert title upon a clip.

Miyazaki et al teach a title database with a graphical database of graphical objects configured for inclusion in the inserted title (Fig.6-9); a plurality of typeset configurations applicable to the title components to modify a visual impact of the inserted title (Fig.6-9); and a matte background permitting the superimposition of the inserted title upon the clip (Fig.6-9).

It would have been highly desirable to have the graphical objects, typeset configurations, and a matte background so that the user has a plurality of options to select from to make clips more interesting.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a plurality of typeset configurations, graphical objects, and a matte background in the device of Ohmori et al.

Allowable Subject Matter

13. Claims 3,4,8,10,14,15,24,25,28,29,38,40&41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO
1/6/06

James J. Groody
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